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RAMIREZ & SMITH PO BOX 341179 AUSTIN, TX 78734			EXAMINER AUGUSTINE, NICHOLAS	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/649,419

Applicant(s)

WEIDNER, DAVID E.

Examiner

Nicholas Augustine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

- A. This action is responsive to the following communications: Amendment filed 02/08/2007. **This action is made FINAL.**
- B. Claims 1-9 are cancelled. Claims 10-18 are new. Claims 10-18 are pending.
- C. The rejection under 35 U.S.C. 101 has been withdrawn due to the amendment submitted by the Applicant.

### ***Specification***

1. The amendment filed 02/08/2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:
2. Pages 2-17 of the specification, figures 4,7,8 and 10-14, and claims 1-9. Examiner believes the added material to the specification, drawings and claims constitutes as new matter to the case. Applicant states that replacement of new specification to remedy the objects made by the Examiner under 112 1<sup>st</sup> and 2<sup>nd</sup> paragraph for claims 1-9 (page 6 of remarks). Applicant states added drawings are for support of amended claims 1-9 which originally claimed to features not shown in the figures (page 5 and 8 of remarks). Applicant states that no new matter is entered, wherein the Examiner disagrees and believes the amended specification covers ideas, principles and detailed facts which were not originally disclosed with the original

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discloser, also noted that the amended claims now direct themselves to rely on the new specification rendering them to be new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 10-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As to claim 10, lines 2,3,4-10. As to claim 11, lines 2,3. As to claim 12, lines 2-7. As to claim 13, lines 3-5. As to claim 14, lines 2-4. As to claim 15, lines 2-7. As to claim 16, lines 2-4. As to claim 17, lines 2-3. As to claim 18, lines 2,4,5-7.

5. Examiner believes the claim language to amended claims constitutes new matter, which was not disclosed by the original discloser. It is true the amended disclosure covers the ideas, facts and principles relied upon by the amended claim language but original disclosure does not cover the amended claims 1-9.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 10-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft (Internet Explorer Version 6.0.2800.1106.xpsp1.020828-1920CO).

As for independent claim 10, Microsoft teaches a computer-accessible medium (as depicted in the figures, of course those skilled in the art would recognize the digital format and could make the connection of such being on a computer-accessible medium such as a hard disk) comprising at least one menu (1104 and 1106) embedded into computer based project representations (1102), the at least one menu (1104 and 1106) being operable to display construction project information on a computer display (1022) to users, which facilitates construction, repair or maintenance of at least one construction project item (1108, 1110, 1112 and 1114) represented within a drawing (1102) and connected through a graphical object interface (1104) that represents an integration of more than one relational link (1116 and 1118) (Fig.2 and 3; As shown in the figures noted, the user can manage the navigation of a data source(s) through use of Microsoft's teachings thus allowing the user to construct a personal navigation menu set, edit/repair the menu set as well as make further editing needs and adding to the set or in other words maintaining the menu set. The menu set shown has relational links

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consistent with the current data source shown in figure 4 as well as non-relational links as shown in figures 2 and 6 (where non-relational links are that of information not apart of the current data source being displayed); where the menu has all of the available options to navigate to any one point within the data source it is understood and well appreciated that the user can access another data source and still have an easy open menu set which will navigate the user back to the initial location or any other location, as depicted in figures.) )

As for dependent claim 11, Microsoft teaches the computer-accessible medium of claim 1, wherein the computer based project representations (1102) of the relational links (1116 and 1118) are represented by visual attributes, visual attributes being represented by any color, number or other informational symbol (fig.2 "visible icons" and "Invisible area" also known in the art as hotspots; the invisible area is commonly known in the art to be an area defined by the programmer wherein the user can click anywhere within the area to be linked to a data source or the like).

As to dependent claim 12, Microsoft teaches the computer-accessible medium of claim 1, wherein the computer based project representation (1102) further comprises a computer based project representation (1302) represented using a licensed and proprietary computer based platform in at least 2 dimensions, including at least one 2 dimensional graphic object interface format with a 2 dimensional link within a 3 dimensional drawing and a 3 dimensional link embedded into a 2 dimensional drawing.

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(fig. 12-14; Microsoft discloses a software capable of showing 3 dimensional drawings as well as two dimensional drawing along with two and three dimensional icons which represent links. It is appreciated in the art the software disclosed from Microsoft renders information from different data sources, said information can vary form format, style, appearance, etc).

As for dependent claim 13, Microsoft teaches the computer-accessible medium of claim 1, wherein the graphic object interface directly links a variety of information items including menus, programs, databases, Internet links, video, any other multimedia files (1402 and 1404) with other project related links to other informational items in a relational manner (figures 2 and 6; depict a verity of information items and including menus, databases, links, multimedia files as known in the art).

As for dependent claim 14, Microsoft teaches the computer-accessible medium of claim 1, wherein the graphical object interface (1104) is combined with at least one of a portable media (1406) that provides a facility to troubleshoot problems within the graphical object interface (1104) without a printed manual or other associated support material (Of course it is well appreciated to one skilled in the art that the program taught by Microsoft comes in a form of a DVD/CD and can be played on any computer environment such as that mentioned above regardless of use of the computer).

As for dependent claim 15, Microsoft teaches the computer-accessible medium of claim



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1, wherein the at least one menu (1104 and 1106) further comprises a database (1408) incorporated into the menu that provides for automated maintenance to be preformed by an owner of property and alternately when connected to a network, is operable to be printed from anywhere in the menus to include all pertinent information for equipment to be maintained (fig.5, to those skilled in the art it is well appreciated that this system as designed to be ran on a computer can be ran on a portable computer such as that of a vehicle onboard Computer system, as well as those skilled in the art will appreciated that this system poses the basic functionally of navigating through any data source pending on the end user the user can construct a navigational menu or the manufacture can already have constructed a navigational menu wherein acts to help with a trouble shooting guide for users. The idea of a trouble shooting guide is to have multiple links that interconnect amongst different data sources to quickly and easily find information on a topic of interest which is shown by Microsoft as in figures 2-5).

As for dependent claim 16, Microsoft teaches the computer-accessible medium of claim 1, wherein each construction project item (1108, 1110, 1112 and 1114) in the graphic object interface (1104 and 1106) further comprises a project management module having a menu system that is independently operable (fig.6; wherein it is apparent that the auto icon has its own sub set of menu options, just like the feature shown in figure 3 "main" icon).

As for dependent claim 17, Microsoft teaches the computer-accessible medium of claim



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1, wherein the at least one menu (1104 and 1106) is operable to be performed by an individual computer system (1002) (fig. 10; it is appreciated in the art the figure noted shows operating related programs providing proof of evidence of an individualize computer which is networked as well as connected to a plurality of equipment).

As for independent claim 18, Microsoft teaches a computer-accessible medium comprising a computer program embedded into computer based project representations (1102), the computer program being operable to display construction project information on a computer display (1022) to users, which facilitates the construction, repair or maintenance of one or more construction industry project items (1108, 1110, 1112 and 1114) (figure 11; the static menu to the left is user or manufacture defined and as well can be edited/ maintained at anytime) represented within a drawing (1102) and connected through a graphical object interface (1104 and 1106) that represents an integration of more than one relational link, the medium further comprising URL's operable to link to the Internet to perform remote operations or run updates for the computer program (figure 3, "opening a new data source"), equipment maintenance or other databases (figure 6, "mapping to a database"; a well appreciated function included with internet explorer that allows the user to map a virtual drive to a data source such as a database).

### ***Response to Arguments***

Applicant's arguments filed 02/08/2007 have been fully considered but they are not persuasive.

- *Applicant argues that new independent claims 10 and 18 have been amended to recite that the "project item" is a "construction industry project item". "Construction industry" is not disclosed in the reference of Microsoft Internet Explorer.*
- Examiner disagrees the term "construction industry" is non-functional descriptive material, wherein the main limitation is a project item. Although calling the project item a "construction industry project item" further limits the claim the main functionality and output remains the same and Microsoft teaches such ideas as stated in previous Office Action. It would be apparent to those skilled in the art to recognize the techniques of Microsoft and to incorporate the idea into any area as needed, e.g. construction, teaching, business or etc. purposes.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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AU: 2179

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June 8, 2007



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